

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>RENATER EDWARDS,</b>	§	
	§	
<b>plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>Case 4:22-cv-2305</b>
	§	
<b>NEWREZ, LLC fka New Penn Financial,</b>	§	
<b>LLC dba Shellpoint Mortgage Servicing, <i>et al.</i>,</b>	§	
	§	
<b>defendants.</b>	§	

**DEFENDANTS' EXHIBIT INDEX**

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## Notice of Service of Process

Transmittal Number: 25181771  
Date Processed: 07/08/2022

**Primary Contact:** Spencer Mosness  
NEWREZ LLC  
1100 Virginia Dr  
Ste 125  
Fort Washington, PA 19034-3235

**Electronic copy provided to:** Justin Bradley  
Jessica Julia Esq.  
Daniel Trautz  
Cheryl Rathke  
Lauren Delehey  
Brian Little  
Kirk Wolff

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<b>Entity:</b>	NewRez LLC Entity ID Number 3474104
<b>Entity Served:</b>	Newrez LLC (fka New Penn Financial LLC dba Shellpoint Mortgage Servicing)
<b>Title of Action:</b>	Renater Edwards vs. Newrez, LLC f/k/a New Penn Financial LLC d/b/a Shellpoint Mortgage Servicing
<b>Matter Name/ID:</b>	Renater Edwards vs. Newrez, LLC f/k/a New Penn Financial LLC d/b/a Shellpoint Mortgage Servicing (12533947)
<b>Document(s) Type:</b>	Temporary Restraining Order/Summons/Complaint
<b>Nature of Action:</b>	Property
<b>Court/Agency:</b>	Harris County District Court, TX
<b>Case/Reference No:</b>	202239178
<b>Jurisdiction Served:</b>	Texas
<b>Date Served on CSC:</b>	07/01/2022
<b>Answer or Appearance Due:</b>	07/13/2022
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service
<b>Sender Information:</b>	Medearis Law Firm, PLLC 281-954-6270

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

**EXHIBIT 1**

CAUSE NO. 202239178

COPY OF PLEADING PROVIDED BY PLT

Receipt No.930150  
EML TR#74022353

PLAINTIFF:EDWARDS, RENATER

Vs.

In the 190th  
Judicial District Court of  
Harris County, Texas

DEFENDANT:NEWREZ LLC (FKA NEW PENN FINANCIAL LLC DBA SHELLPOINT MORTGAGE

**TEMPORARY RESTRAINING ORDER**

THE STATE OF TEXAS  
County of Harris

TO: NEWREZ LLC (FKA NEW PENN FINANCIAL LLC DBA SHELLPOINT MORTGAGE SERVICING) BY  
SERVING THROUGH ITS REGISTERED AGENT CORPORATION SERVICE COMPANY  
211 E 7TH STREET SUITE 620  
AUSTIN TX 78701

GREETING:

Whereas, TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING ON TEMPORARY  
INJUNCTION filed in the District Court of Harris County, Texas on June 30, 2022 as  
shown by true and correct copy of said Petition attached.  
AND WHEREAS, the Honorable Judge of said court, upon presentation of said Petition  
to him, entered his Order and Fiat as shown by a true copy of said Order and Fiat  
attached:

THEREFORE YOU ARE HEREBY COMMANDED TO OBEY EACH AND ALL THE TERMS OF SAID  
ORDER AND FIAT, and that you cease and desist from doing each and all of the acts  
said Order and Fiat restrains you from doing until hearing on such application for  
temporary injunction to be heard before the Judge of said Court, on July 13, 2022  
at 2:00o'clock P.M., in the 190th District Courtroom of the Courthouse of Harris  
County, in Houston, Texas, when and where you will appear and show cause, why said  
injunction should not be issued as prayed for in said Petition and why the other  
relief prayed for therein should not be granted.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court at my office in  
Houston, Harris County, Texas, this day of June 30, 2022.

Issued at request of:  
Medearis, David M  
1560 W BAY AREA BLVD SUITE 304  
77002  
FRIENDSWOOD, TX 77546  
281-954-6270



*Marilyn Burgess*  
**Marilyn Burgess**, DISTRICT CLERK  
HARRIS COUNTY, T E X A S  
201 Caroline, Houston, Texas  
P.O. Box 4651, Houston, Texas 77210

Bar No: 24041465

Generated By: WANDA CHAMBERS

**EXHIBIT 1**

Tracking Number: 74022353

CAUSE NUMBER: 202239178

PLAINTIFF: EDWARDS, RENATER

In the 190th

vs.

Judicial

District

Court of

DEFENDANT: NEWREZ LLC (FKA NEW PENN FINANCIAL LLC DBA SHELLPOINT MORTGAGE

Harris County, Texas

**OFFICER/AUTHORIZED PERSON RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and executed in  
\_\_\_\_\_, County, Texas, by delivering to the within named \_\_\_\_\_  
in person, a true copy of this Writ, having first endorsed thereon the date of  
delivery, together with the accompanying true and correct copy of Judge's Order  
and Fiat, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at  
\_\_\_\_\_ o'clock \_\_\_\_\_ M.  
at \_\_\_\_\_.

(place of service)

NOT EXECUTED FOR THE FOLLOWING REASONS: \_\_\_\_\_

Returned: \_\_\_\_\_, \_\_\_\_\_ 20\_\_\_\_

FEE: \$ \_\_\_\_\_

County, Texas

By \_\_\_\_\_

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
Notary Public

**EXHIBIT 1**

6/29/2022 4:13 PM  
Marilyn Burgess - District Clerk Harris County  
Envelope No. 65903015  
By: Monica Jackson  
Filed: 6/29/2022 4:13 PM

Cause No \_\_\_\_\_

RENATER EDWARDS	§	IN THE DISTRICT COURT OF
	§	
v.	§	
	§	
NEWREZ, LLC F/K/A NEW PENN	§	HARRIS COUNTY, TEXAS
FINANCIAL LLC D/B/A SHELLPOINT	§	
MORTGAGE SERVICING	§	
	§	
AND	§	
	§	_____ JUDICIAL DISTRICT COURT
	§	
THE BANK OF NEW YORK MELLON	§	
FKA THE BANK OF NEW YORK AS	§	
TRUSTEE FOR THE BENEFIT OF THE	§	
CERTIFICATEHOLDERS OF THE	§	
CWABS INC. ASSET-BACKED	§	
CERTIFICATES, SERIES 2006-SD4	§	

**PLAINTIFF'S ORIGINAL PETITION AND**  
**VERIFIED APPLICATION FOR TEMPORARY RESTRAINING ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, RENATER EDWARDS, and brings this action against Defendants, NEWREZ, LLC F/K/A NEW PENN FINANCIAL LLC D/B/A SHELLPOINT MORTGAGE SERVICING and THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC. ASSET-BACKED CERTIFICATES, SERIES 2006-SD4.

**FACTS**

1. Plaintiff, Renater Edwards, is the owner of the Subject Property, which is located at **5111 Madden Ln, Houston 77048, Harris County**. The Plaintiff inherited the subject property on February 1, 2014, when her mother, Frankie Johnson, passed away. The

legal description is as follows:

**LOT 10, IN BLOCK 35, OF CRESTMONT ADDITION SECTION THREE (3), A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF. RECORDED IN VOLUME 3, PAGE 55, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.**

2. Defendant, **NEWREZ, LLC F/K/A NEW PENN FINANCIAL LLC D/B/A SHELLPOINT MORTGAGE SERVICING (“SHELLPOINT”)** claims to be the current Mortgage Servicer of a note secured by a secured by a Home Equity Security Instrument dated March 24, 2000, filed in the Harris County Real Property Records. The Lender identified in the Deed of Trust is Full Spectrum Lending, Inc. A true and correct copy of this Home Equity Security Instrument is attached.

3. Defendant **THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC. ASSET-BACKED CERTIFICATES, SERIES 2006-SD4** is allegedly the current Mortgagee.

4. A dispute exists between the parties as to the terms and conditions of the note as well as to the Defendant’s right to pursue a Substitute Trustee’s Sale, scheduled for July 4, 2022. Specifically, the Plaintiff disputes the Defendant’s claim that the Plaintiff has defaulted on the subject Deed of Trust, and Plaintiff disputes that the Defendant is entitled to seek foreclosure, because, among other things, the Defendant failed to give sufficient legal notice.

5. The Plaintiff received the attached Notice from Shellpoint dated May 19, 2022 informing her to contact Shellpoint. See Affidavit. Plaintiff made several calls to Shellpoint Mortgage in an effort to determine 1) if Shellpoint Mortgage Servicing is the true Mortgagee, 2) how much is owed on the mortgage, and 3) to arrange to refinance or pay the loan. Id.

6. The Plaintiff later learned from a real estate investor that Shellpoint had

scheduled her house for foreclosure sale on July 5, 2022. The Plaintiff never received any notice of acceleration, notice of default, or notice of trustee sale.

7. It is still unclear whether Shellpoint Mortgage Servicing is truly the holder of the Mortgage. In addition to never providing a notice of acceleration setting forth the amount allegedly due, the Plaintiff was never advised of an assignment of the Home Equity Security Instrument.

8. The Plaintiff inherited the subject property on or about June 13, 2022.

9. The Defendant, filed the attached Notice of Substitute Trustee Sale. See Exhibit A. It is important to note that, prior to sending this notice, the Defendant did not provide a notice of default, and did not give the Plaintiff an opportunity to cure before accelerating the note and scheduling the subject property for a trustee sale. See attached affidavit. Because no notice of default was provided, the Plaintiff has not had sufficient opportunity to explore other option that may be available, such as assistance, loan modification, or even a sale of the residence. Nevertheless, the Defendant has not provided a notice of default, as required by Sec. 51.002(d) of the Texas Property Code.

10. Additionally, the Plaintiff, Renater Edwards, never received the Notice of Trustee sale by regular or certified mail. See Affidavit. Ms. Edwards only learned that her home was in foreclosure from secondhand communications from real estate investors contacting her.

11. Finally, the Plaintiff inherited the subject property in February of 2014 and asserts the statute of limitations to the Defendant's right to foreclose.

12. Plaintiff files this Application in this court seeking a Temporary Restraining Order, enjoining Defendant from proceeding with said sale. The Plaintiff will suffer irreparable harm if the Defendant conducts the Foreclosure Sale on July 5, 2022, and the

Plaintiff will have no adequate remedy at law, despite the fact that the sale would be wrongful due to the lack of notice to the Plaintiff.

### **PARTIES**

13. Plaintiff, Renater Edwards, is an individual residing in Harris County, Texas.

14. Defendant, NEWREZ, LLC F/K/A NEW PENN FINANCIAL LLC D/B/A SHELLPOINT MORTGAGE SERVICING, is a Foreign Financial Institution doing business in Texas that may be served by certified mail to its registered agent, Corporation Service Company 211 E. 7th Street, Suite 620 Austin, Texas 78701

15. Defendant, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC. ASSET-BACKED CERTIFICATES, SERIES 2006-SD4 is a Foreign Financial Institution doing business in Texas that may be served by certified mail to its registered agent, CT Corporation System 1999 Bryan Dt. Suite 900 Dallas, Texas 75201

### **DISCOVERY**

16. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff states that discovery is to be conducted under Rule 190.3, Level 2 Discovery.

### **JURISDICTION AND VENUE**

17. This Court has Jurisdiction over the subject matter and parties.

18. Venue is proper in Harris County because the case concerns real property located in Harris County and the actions and omissions occurred in Harris County as well.

### **CAUSES OF ACTION ASSERTED**

No Notice of Default/Defective Notice of Acceleration/Defective Deed of Trust



19. The holder of a note must give notice to the maker of the holder's intent to accelerate the time for payment as well as notice of acceleration. *Shumway v. Horizon Credit Corp.*, 801 S.W.2d 890,893 (Tex. 1991). If the mortgagee intends to accelerate the maturity of the debt, the notice must unequivocally inform the mortgagor of the mortgagee's intention. *Id.* A proper notice of default must give the borrower notice that the alleged delinquency must be cured within 20 days, or else the loan will be accelerated, and the property will go to foreclosure. *Id.* Prior to a foreclosure action, the noteholder is also required to give the homeowner a clear and unequivocal acceleration notice, at least 21 days prior to the foreclosure sale date. *Ogden v. Gibraltar Sav. Ass'n*, 640 S.W.2d 232,233 (Tex. 1982) Thus, effective acceleration requires two acts: notice of intent to accelerate and notice of acceleration. *Id.* It is well established that an acceleration can be abandoned Abandonment can occur either expressly through a clear repudiation of the right, or impliedly through conduct inconsistent with a claim to the right. *NSL Prop. Holdings, LLC v. Nationstar Mortg. LLC*, No. 02-16-00397-CV, 2017 Tex. App. LEXIS 7887, 2017 WL 3526354, at \*5 (Tex. App.—Fort Worth Aug. 17, 2017, *pet. denied*) (mem. op.). When acceleration is abandoned, the contract is restored to its original condition, including restoring the loan's original maturity date and resetting the statute of limitations. *Id.*

20. Pursuant to Tex. Prop. Code Ann. § 51.002(d), a timely notice of default and demand is a necessary condition precedent for an effectiveness notice of foreclosure under Tex. Prop. Code Ann. § 51.002(b). *Mills v. Haggard*, 58 S.W.3d 164 (Tex. App. Waco , 2001, *no pet.*). The failure to send a notice to cure has even been grounds to set aside a foreclosure. *See Id.*

21. In this present case, the Defendant did not provide the required notice of default to give the Plaintiff an opportunity to cure. Even if the Defendant had sent the statutorily required notice, pursuant to Section 51.002(d) (which the Defendant failed to do), the Defendant also did not

timely mail a notice of trustee sale to the Plaintiff.

22. Due to the dispute over the alleged default and the Defendant's failure to provide sufficient notice for the pending foreclosure, the Plaintiff files a declaratory judgment lawsuit and seeks injunctive relief to avoid irreparable harm.

23. Notwithstanding the above, the Plaintiff currently has the subject property listed for sale and intends to satisfy the debt, if any, which is owed to the Defendant, assuming that the Defendant is indeed the current holder of the note as claimed. But to do this, the Plaintiff will need a payoff statement. Because the Defendant never provided the Plaintiff with a notice of default, the Plaintiff is unable to determine the amount that the Defendant alleges to be owed.

#### **Declaratory Judgment**

24. Pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code, Plaintiff respectfully requests that this Court issue a declaratory judgment specifying Plaintiff and Defendant's rights and duties in connection with the Deed of Trust and the underlying Note.

25. Specifically, a controversy exists as to the balance and enforceability of the power of sale in the deed of trust.

26. Additionally, Defendant did not follow the proper procedure pursuant to the Deed of Trust (and the Texas Property Code). Defendant's compliance (or lack thereof) will determine whether Defendant has the authority to foreclose. As stated above, the Defendant failed to mail Plaintiff the statutorily required 1) notice of default, and 2) notice of acceleration and notice of trustee sale.

#### **Statute of Limitations**

27. Tex. Civ. Prac. & Rem. Code Ann. § 16.035(a) provides that a person must bring suit for the recovery of real property under a real property lien or the foreclosure of a real property

lien not later than four years after the day the cause of action accrues. The statute also provides that a sale of real property under a power of sale in a mortgage or deed of trust that creates a real property lien must be made not later than four years after the day the cause of action accrues, § 16.035(b).

28. This four-year statute of limitations should not be disregarded, as it is in effect to serve a real and legitimate purpose.

### **Temporary and Permanent Injunction**

29. Plaintiff seeks an injunction requiring Defendant, or any person or entity acting in concert with them, including but not limited to its attorneys, agents, servants, servicers, trustees, employees, successors, heirs and assigns, to desist and refrain from:

- a. entering and taking possession of the Property or otherwise interfering with Plaintiff's right to the quiet enjoyment and use of the Property;
- b. proceeding with or attempting to sell or foreclose upon the Property; and
- c. attempting to purchase, transfer, assign or collect on the Mortgage.
- d. charging Plaintiff's account for attorney's fees in connection with this action.

### **APPLICATION FOR TEMPORARY RESTRAINING ORDER**

30. Plaintiff hereby incorporates by reference and re-alleges all material allegations of facts set forth above as if fully set forth herein.

31. Pursuant to Rule 680 of the Texas Rules of Civil Procedure, Plaintiff hereby seeks immediate relief in the form of a temporary restraining order to preserve the status quo. Specifically, Plaintiff seeks a temporary restraining order and temporary injunction to prohibit the Defendant and/or any of its agents, employees or attorneys, servicing companies, or trustees, from

foreclosing upon the property. A temporary restraining order is sought to enjoin the Defendant for a period of at least 14 days until a temporary injunction hearing is held by this court concerning whether Plaintiff has a probable right of recovery for their various claims and causes of action pled herein. There presently exists an imminent threat of irreparable harm to Plaintiff in the form of the Defendant and their agents' stated intent to complete a foreclosure sale and divest Plaintiff of their ownership interest in the property, unless the court immediately restrains such acts or conduct as requested herein.

32. Plaintiff's application for a Temporary Restraining Order is authorized by Texas Civil Practice and Remedies Code §65.011 because irreparable injury to real property is threatened, irrespective of any remedy at law.

33. Moreover, after issuance of a temporary restraining order, and upon notice and a hearing as required by law, Plaintiff further seeks entry of the temporary injunction to maintain the status quo and prohibit the Defendant and their agents from foreclosing or attempting to foreclose on Plaintiff's property until the merits of the various claims and causes of actions as pled herein can be fairly and fully adjudicated.

#### **CONDITIONS PRECEDENT**

34. Plaintiff asserts that all conditions precedent have occurred or been waived.

#### **PRAYER**

35. WHEREFORE, Plaintiff prays that Defendant be cited to appear and answer, and the following order be entered:

- a. a declaratory judgment that declares that Defendant does not have the power of sale pursuant to the Deed of Trust.
- b. A declaration setting forth the amount, if any, that the Plaintiff owes pursuant to the note.

- c. A temporary and permanent injunction enjoining Defendant, or anyone acting on Defendant's behalf from: (1) entering, taking possession of the Property or otherwise interfering with Plaintiff's right to the quiet enjoyment and use of the Property; (2) proceeding with or attempting to sell or foreclose upon the Property; (3) attempting to purchase, transfer, assign or collect on the Mortgage; and (4) charging Plaintiff's account for attorney's fees in connection with this action.
- d. All the other relief to which Plaintiff is entitled.

Respectfully submitted,

MEDEARIS LAW FIRM, PLLC

By:   
DAVID M. MEDEARIS, TBA #24041465  
1560 W Bay Area Blvd., Suite 304  
Friendswood Texas 77546  
dmedearis@medearislaw.com  
Tel 281-954-6270 | Fax 281-954-6280  
**ATTORNEY FOR PLAINTIFF,  
RENATER EDWARDS**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Alexa Rivera on behalf of David Medearis  
Bar No. 24041465  
arivera@medearislaw.com  
Envelope ID: 65903015  
Status as of 6/29/2022 4:23 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Alexa NRivera		arivera@medearislaw.com	6/29/2022 4:13:45 PM	SENT
David MMedearis		dmedearis@medearislaw.com	6/29/2022 4:13:45 PM	SENT
Mindi Campbell		mcampbell@medearislaw.com	6/29/2022 4:13:45 PM	SENT

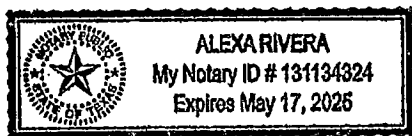


- 6) This is my first time to seek a temporary restraining Order. I ask the Court to grant this Order so I can avoid the irreparable harm of losing my home.
- 7) My intention is to either refinance the property or sale the property.

By: Renater Edwards  
Renater Edwards

BEFORE ME, the undersigned authority, on this day personally appeared Renater Edwards, known to me to be the person whose name is subscribed to the forgoing instrument, who after being by me duly sworn acknowledged that the statements contained above are true and correct, that he executed same for the purposes and consideration therein expressed.

SIGNED under oath before me on the 28<sup>th</sup> day of June, 2022.



Alexa Rivera  
NOTARY SIGNATURE



P.O. BOX 51850  
LIVONIA MI 48151-5850  
RETURN SERVICE REQUESTED



S-SFRECS20 L-1237 R-106  
PG2CZQ00200916 - 703264711 105371  
ESTATE OF FRANKIE M JOHNSON  
5111 MADDEN LN  
HOUSTON TX 77048-2727

**shellpoint**  
A DIVISION OF NEWTRIZ

Phone Number: 866-825-2174

Fax: 866-467-1187

Email: Lossmitigation@shellpointmtg.com

Mon - Thurs: 8:00AM-6:00PM

Fri: 8:00AM-5:00PM



Loan Number:	0539112797
Principal Balance:	\$9,635.08
Property:	5111 Madden Lane Houston, TX 77048

05/19/2022

Dear Borrower,

As you are aware, your loan is delinquent. We have made several attempts to contact you; however, we have been unsuccessful.

When default occurs, it is extremely important that you maintain at least a bi-weekly contact with our office, so we can discuss what options may be available to you.

We understand that everyone's circumstances are different, and sometimes a hardship may prevent our valued customers from paying on their loan.

Your utmost cooperation is extremely important and is required in order to resolve this matter. Therefore, we would appreciate you contacting us immediately, so we can determine why the default has occurred and explain to you what your most viable options are. Please contact us today. Our toll free number is 866-825-2174. We are available Monday through Friday between the hours of 8:00AM-6:00PM EST.

Sincerely,

Shellpoint Mortgage Servicing

SEE REVERSE SIDE OR ATTACHED FOR AN IMPORTANT STATEMENT OF YOUR RIGHTS.

P 1000001 A-0539112797 0103J0400

**EXHIBIT 1**

**Please read the following important notices as they may affect your rights.**

Newrez LLC dba Shellpoint Mortgage Servicing is a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose. Newrez LLC dba Shellpoint Mortgage Servicing's NMLS ID is 3013.



If you are a customer in bankruptcy or a customer who has received a bankruptcy discharge of this debt: please be advised that this notice is to advise you of the status of your mortgage loan. This notice constitutes neither a demand for payment nor a notice of personal liability to any recipient hereof, who might have received a discharge of such debt in accordance with applicable bankruptcy laws or who might be subject to the automatic stay of Section 362 of the United States Bankruptcy Code. However, it may be a notice of possible enforcement of the lien against the collateral property, which has not been discharged in your bankruptcy.

**Attention Servicemembers and Dependents:** The federal Servicemembers Civil Relief Act and certain state laws provide important protections for you, including interest rate protections and prohibiting foreclosure under most circumstances during and twelve months after the servicemember's military or other service. Counseling for covered servicemembers is available from Military OneSource (800-342-9647) and the United States Armed Forces Legal Assistance or other similar agencies. For more information, please visit the Military OneSource website [www.militaryonesource.mil/](http://www.militaryonesource.mil/).

**Notice of Error or Information Request Address:** You have certain rights under Federal law related to resolving errors in the servicing of your loan and requesting information about your loan. If you want to request information about your loan or if you believe an error has occurred in the servicing of your loan and would like to submit an Error Resolution or Informational Request, please write to us at the following address: Shellpoint Mortgage Servicing P.O. Box 10826 Greenville, SC 29603-0826

Shellpoint Mortgage Servicing utilizes third-party providers in connection with the servicing of your loan, but Shellpoint Mortgage Servicing remains responsible for all actions taken by third-party providers.

A successor in interest is someone who acquires an ownership interest in a property secured by a mortgage loan by transfer upon the death of a relative, as a result of a divorce or legal separation, through certain trusts, between spouses, from a parent to a child, or when a borrower who is a joint tenant or tenant by the entirety dies. If you are a successor in interest, or you think you might be, please contact by phone, mail or email to start the confirmation process.

**Our system of record has your preferred language as English.**

If you prefer to receive communication in a language other than English, please contact us at 866-825-2174 to speak with a translator in your preferred language about the servicing of your loan or a document you received.

Si prefiere recibir las comunicaciones en otro idioma que no sea el inglés, por favor, contáctenos en el 866-825-2174 para hablar con un traductor en el idioma de su preferencia sobre la gestión de su préstamo o cualquier documento que haya recibido.

如果您要使用英语以外的其他语言进行交流, 请致电 866-825-2174, 我们将根据您首选的语言安排相应的译员, 与您就贷款服务事项或您所接收的文件进行商讨。

Please note that we operate as Newrez Mortgage LLC dba Shellpoint Mortgage Servicing in Arkansas and Texas.

**TEXAS PROPERTIES:** PURSUANT TO THE REQUIREMENTS OF SECTION 157.0021 OF THE TEXAS MORTGAGE BANKER ACT AND SECTION 158.101 OF THE TEXAS FINANCE CODE, YOU ARE HEREBY NOTIFIED OF THE FOLLOWING: COMPLAINTS REGARDING THE SERVICING OF YOUR MORTGAGE SHOULD BE SENT TO THE TEXAS DEPARTMENT OF SAVINGS AND MORTGAGE LENDING, 2601 NORTH LAMAR, SUITE 201, AUSTIN, TEXAS 78705. A TOLL-FREE CONSUMER HOTLINE IS AVAILABLE AT 1-877-276-5550.

**PROPIEDADES DE TEXAS:** DE CONFORMIDAD CON LOS REQUISITOS DE LA SECCIÓN 157.0021 DE LA LEY DE BANQUEROS HIPOTECARIOS DE TEXAS Y LA SECCIÓN 158.101 DEL CÓDIGO FINANCIERO DE TEXAS, SE LE NOTIFICA LO SIGUIENTE: LAS QUEJAS RELACIONADAS CON EL SERVICIO DE SU HIPOTECA DEBEN SER ENVIADAS AL DEPARTAMENTO DE AHORROS Y PRÉSTAMOS HIPOTECARIOS DE TEXAS, 2601 NORTH LAMAR, SUITE 201, AUSTIN, TEXAS 78705. EL 1-877-276-5550 CUENTA CON UNA LÍNEA DIRECTA DE CONSUMO GRATUITA.

Loan #: 0539112797

Please make sure below address shows in window



SHELLPOINT MORTGAGE SERVICING
   
 P.O. BOX 10826
   
 GREENVILLE, SC 28777

### Is your contact information accurate?

Please provide your most up-to-date contact information so that we can ensure you receive notifications and any information we may send in the future.

You may visit our website at [www.shellpointmtg.com](http://www.shellpointmtg.com) to update your contact information or return this completed form to us in the envelope we have provided. Our toll free number is 866-825-2174, we are available Monday through Friday between the hours of 8:00AM-6:00PM EST.

#### Contact information is as follows:

##### Home Mailing Address

- ☐ Has not changed  
☐ Has changed, please direct future correspondence to:

---



---



---

##### Best Phone Number

- ☐ Cell

*By providing the above cell phone number, you hereby consent to Shellpoint Servicing calling you at this number using our automatic dialing technology.*

- ☐ Home \_\_\_\_\_  
☐ Work \_\_\_\_\_

*Please do not provide a work phone number if your employer prohibits you from receiving calls from Shellpoint Mortgage Servicing while at work.*

##### Best Time to Reach

- ☐ Morning  
☐ Afternoon  
☐ Evening

##### Authorized E-mail

- ☐ I do not want Shellpoint Servicing to contact me by email.  
☐ Email

*By providing the above email address, you hereby consent to communication with Shellpoint Servicing through email. You may revoke this consent at any time. If the email address you have provided is one issued by your employer, you understand and acknowledge that any email communication by way of this email address may be viewed by your employer. You also represent to Shellpoint Servicing that your employer does not prohibit communication with Shellpoint Servicing through this email address. Additionally, if the email address you have provided is available for use by any individuals who are not authorized to discuss your account information with Shellpoint Servicing, you understand and acknowledge that any email communication by way of this email address may be viewed by those individuals with access.*

P.O. BOX 51850  
LIVONIA MI 48151-5850  
RETURN SERVICE REQUESTED

2022-39178 / Court: 190

**shellpoint**  
DIVISION OF NEWTRIZ

Phone Number: 866-825-2174

Fax: 866-467-1187

Email: Lossmitigation@shellpointmtg.com

Mon - Thurs: 8:00AM-6:00PM

Fri: 8:00AM-5:00PM



S-SFRECS20 L-1237 R-106

PG2CZQ00200916 - 703264711 105371

ESTATE OF FRANKIE M JOHNSON

5111 MADDEN LN

HOUSTON TX 77048-2727

Loan Number:	0539112797
Principal Balance:	\$9,635.08
Property:	5111 Madden Lane Houston, TX 77048

05/19/2022

Dear Borrower,

As you are aware, your loan is delinquent. We have made several attempts to contact you; however, we have been unsuccessful.

When default occurs, it is extremely important that you maintain at least a bi-weekly contact with our office, so we can discuss what options may be available to you.

We understand that everyone's circumstances are different, and sometimes a hardship may prevent our valued customers from paying on their loan.

Your utmost cooperation is extremely important and is required in order to resolve this matter. Therefore, we would appreciate you contacting us immediately, so we can determine why the default has occurred and explain to you what your most viable options are. Please contact us today. Our toll free number is 866-825-2174. We are available Monday through Friday between the hours of 8:00AM-6:00PM EST.

Sincerely,

Shellpoint Mortgage Servicing

Please read the following important notices as they may affect your rights.

Newrez LLC dba Shellpoint Mortgage Servicing is a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose. Newrez LLC dba Shellpoint Mortgage Servicing's NMLS ID is 3013.



If you are a customer in bankruptcy or a customer who has received a bankruptcy discharge of this debt: please be advised that this notice is to advise you of the status of your mortgage loan. This notice constitutes neither a demand for payment nor a notice of personal liability to any recipient hereof, who might have received a discharge of such debt in accordance with applicable bankruptcy laws or who might be subject to the automatic stay of Section 362 of the United States Bankruptcy Code. However, it may be a notice of possible enforcement of the lien against the collateral property, which has not been discharged in your bankruptcy.

**Attention Servicemembers and Dependents:** The federal Servicemembers Civil Relief Act and certain state laws provide important protections for you, including interest rate protections and prohibiting foreclosure under most circumstances during and twelve months after the servicemember's military or other service. Counseling for covered servicemembers is available from Military OneSource (800-342-9647) and the United States Armed Forces Legal Assistance or other similar agencies. For more information, please visit the Military OneSource website [www.militaryonesource.mil/](http://www.militaryonesource.mil/).

**Notice of Error or Information Request Address:** You have certain rights under Federal law related to resolving errors in the servicing of your loan and requesting information about your loan. If you want to request information about your loan or if you believe an error has occurred in the servicing of your loan and would like to submit an Error Resolution or Informational Request, please write to us at the following address: Shellpoint Mortgage Servicing P.O. Box 10826 Greenville, SC 29603-0826

Shellpoint Mortgage Servicing utilizes third-party providers in connection with the servicing of your loan, but Shellpoint Mortgage Servicing remains responsible for all actions taken by third-party providers.

A successor in interest is someone who acquires an ownership interest in a property secured by a mortgage loan by transfer upon the death of a relative, as a result of a divorce or legal separation, through certain trusts, between spouses, from a parent to a child, or when a borrower who is a joint tenant or tenant by the entirety dies. If you are a successor in interest, or you think you might be, please contact by phone, mail or email to start the confirmation process.

**Our system of record has your preferred language as English.**

**If you prefer to receive communication in a language other than English, please contact us at 866-825-2174 to speak with a translator in your preferred language about the servicing of your loan or a document you received.**

**Si prefiere recibir las comunicaciones en otro idioma que no sea el inglés, por favor, contáctenos en el 866-825-2174 para hablar con un traductor en el idioma de su preferencia sobre la gestión de su préstamo o cualquier documento que haya recibido.**

**如果您要使用英语以外的其他语言进行交流, 请致电 866-825-2174, 我们将根据您首选的语言安排相应的译员, 与您就贷款服务事项或您所接收的文件进行商讨。**

Please note that we operate as Newrez Mortgage LLC dba Shellpoint Mortgage Servicing in Arkansas and Texas.

**TEXAS PROPERTIES:** PURSUANT TO THE REQUIREMENTS OF SECTION 157.0021 OF THE TEXAS MORTGAGE BANKER ACT AND SECTION 158.101 OF THE TEXAS FINANCE CODE, YOU ARE HEREBY NOTIFIED OF THE FOLLOWING: COMPLAINTS REGARDING THE SERVICING OF YOUR MORTGAGE SHOULD BE SENT TO THE TEXAS DEPARTMENT OF SAVINGS AND MORTGAGE LENDING, 2601 NORTH LAMAR, SUITE 201, AUSTIN, TEXAS 78705. A TOLL-FREE CONSUMER HOTLINE IS AVAILABLE AT 1-877-276-5550.

**PROPIEDADES DE TEXAS:** DE CONFORMIDAD CON LOS REQUISITOS DE LA SECCIÓN 157.0021 DE LA LEY DE BANQUEROS HIPOTECARIOS DE TEXAS Y LA SECCIÓN 158.101 DEL CÓDIGO FINANCIERO DE TEXAS, SE LE NOTIFICA LO SIGUIENTE: LAS QUEJAS RELACIONADAS CON EL SERVICIO DE SU HIPOTECA DEBEN SER ENVIADAS AL DEPARTAMENTO DE AHORROS Y PRÉSTAMOS HIPOTECARIOS DE TEXAS, 2601 NORTH LAMAR, SUITE 201, AUSTIN, TEXAS 78705. EL 1-877-276-5550 CUENTA CON UNA LÍNEA DIRECTA DE CONSUMO GRATUITA.

**EXHIBIT 1**

Please make sure below address shows in window



SHELLPOINT MORTGAGE SERVICING  
P.O. BOX 10826  
GREENVILLE, SC 28777

### Is your contact information accurate?

Please provide your most up-to-date contact information so that we can ensure you receive notifications and any information we may send in the future.

You may visit our website at [www.shellpointmtg.com](http://www.shellpointmtg.com) to update your contact information or return this completed form to us in the envelope we have provided. Our toll free number is 866-825-2174, we are available Monday through Friday between the hours of 8:00AM-6:00PM EST.

#### Contact information is as follows:

##### Home Mailing Address

- ☐ Has not changed  
☐ Has changed, please direct future correspondence to:

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##### Best Phone Number

- ☐ Cell

*By providing the above cell phone number, you hereby consent to Shellpoint Servicing calling you at this number using our automatic dialing technology.*

- ☐ Home  
☐ Work

*Please do not provide a work phone number if your employer prohibits you from receiving calls from Shellpoint Mortgage Servicing while at work.*

##### Best Time to Reach

- ☐ Morning  
☐ Afternoon  
☐ Evening

##### Authorized E-mail

- ☐ I do not want Shellpoint Servicing to contact me by email.  
☐ Email

*By providing the above email address, you hereby consent to communication with Shellpoint Servicing through email. You may revoke this consent at any time. If the email address you have provided is one issued by your employer, you understand and acknowledge that any email communication by way of this email address may be viewed by your employer. You also represent to Shellpoint Servicing that your employer does not prohibit communication with Shellpoint Servicing through this email address. Additionally, if the email address you have provided is available for use by any individuals who are not authorized to discuss your account information with Shellpoint Servicing, you understand and acknowledge that any email communication by way of this email address may be viewed by those individuals with access.*

**EXHIBIT 1**

P1000005 A-0539112797 0303T0000



CAUSE NO. 2022-39178

RENATER EDWARDS

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§  
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§

IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, TEXAS

NEWREZ, LLC F/K/A NEW PENN  
FINANCIAL LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING190th JUDICIAL DISTRICT**AFFIDAVIT OF PLAINTIFF****RENATER EDWARDS**

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, Renater Edwards, who, being by me duly sworn on oath stated:

"My name is Renater Edwards. The facts stated in this affidavit are true and correct and within my personal knowledge.

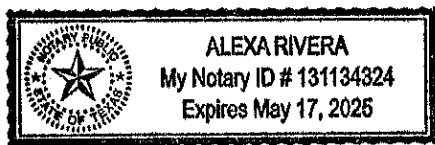
- 1) I am the only surviving natural daughter of Frankie M. Johnson, and I am reside at 5111 Madden Lane, Houston, Texas 77048, which I inherited from my late mother when she died on February 1, 2014 and this property is now my homestead.
- 2) Shellpoint Mortgage Servicing claims to be the current Mortgagee of a home equity note signed by my mother which is secured by a Home Equity Security Instrument dated March 24, 2000, filed in the Harris County Real Property Records. The Lender identified in the Deed of Trust is Full Spectrum Lending, Inc. A true and correct copy of this Home Equity Security Instrument is attached.
- 3) I received the attached Notice from Shellpoint dated May 19, 2022 informing me to contact Shellpoint. I made several calls to Shellpoint Mortgage in an effort to determine 1) if Shellpoint Mortgage Servicing is the true Mortgagee, 2) how much is owed on the mortgage, and 3) to arrange to refinance or pay the loan.
- 4) I learned from a real estate investor that Shellpoint had scheduled my house for foreclosure sale on July 5, 2022. I never received any notice of acceleration, notice of default, or notice of trustee sale.
- 5) It is still unclear whether Shellpoint Mortgage Servicing is truly the holder of the Mortgage. In addition to never providing a notice of acceleration setting forth the amount allegedly due, I have seen no assignment of the Home Equity Security Instrument.

- 6) This is my first time to seek a temporary restraining Order. I ask the Court to grant this Order so I can avoid the irreparable harm of losing my home.
- 7) My intention is to either refinance the property or sale the property.

By: Renater Edwards  
Renater Edwards

BEFORE ME, the undersigned authority, on this day personally appeared Renater Edwards, known to me to be the person whose name is subscribed to the forgoing instrument, who after being by me duly sworn acknowledged that the statements contained above are true and correct, that he executed same for the purposes and consideration therein expressed.

SIGNED under oath before me on the 28<sup>th</sup> day of June, 2022.



Alexa Rivera  
NOTARY SIGNATURE



**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Alexa Rivera on behalf of David Medearis  
Bar No. 24041465  
arivera@medearislaw.com  
Envelope ID: 65918150  
Status as of 6/30/2022 9:47 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
David MMedearis		dmedearis@medearislaw.com	6/30/2022 9:40:09 AM	SENT
Alexa NRivera		arivera@medearislaw.com	6/30/2022 9:40:09 AM	SENT
Mindi Campbell		mcampbell@medearislaw.com	6/30/2022 9:40:09 AM	SENT

CAUSE NUMBER 2022-39178Renater Edwards  
PETITIONER

§ IN THE DISTRICT COURT OF

§ HARRIS COUNTY, TEXAS

NewRez, LLC et al  
RESPONDENT§ 190 JUDICIAL DISTRICTCLERK'S CERTIFICATE OF CASH DEPOSIT IN LIEU  
OF INJUNCTION BOND PER ORDER OF THE COURTTHE STATE OF TEXAS §  
COUNTY OF HARRIS §

THIS DOCUMENT IS TO CERTIFY that I, the undersigned Clerk of the District Courts of Harris County, Texas have received a cash deposit, as ordered by the Court, in the amount of one hundred Dollars (\$ 100), to be deposited with the Registry of the Court in lieu of a **Temporary Restraining Order Bond** or a **Temporary Injunction Bond**, as required by Rule 684, T.R.C.P., in the above styled and numbered cause as provided by the order entered on the 30 day of June, 2022.

This cash deposit is made and received in lieu of **TEMPORARY RESTRAINING ORDER** or a **TEMPORARY INJUNCTION**, conditioned that the applicant will abide the decision which may be made in the cause, and that he will pay all sums of money and costs that may be adjudged against him if the restraining order or temporary injunction shall be dissolved in whole or in part, and this certificate is issued to have the force and effect of a **TEMPORARY RESTRAINING ORDER BOND** or a **TEMPORARY INJUNCTION BOND** in accordance with the Order of the Court.

WITNESS my hand and seal of office this 30<sup>th</sup> day of June A.D., 2022.**FILED**Marilyn Burgess  
District Clerk

JUN 30 2022

Time: 9:58 AM  
By: I. Collins  
DeputyMarilyn Burgess, District Clerk  
Harris County, Texas  
PO BOX 4651  
Houston, Texas 77210-4651By: [Signature]  
Deputy District ClerkPrincipal: Renater EdwardsAttorney: David MedeirosBar Number: 240465RECORDER'S MEMORANDUM  
This instrument is of poor quality  
at the time of imaging.

2022-39178 / Court: 190

Pgs-3

Cause No \_\_\_\_\_

RENATER EDWARDS

§

IN THE DISTRICT COURT OF

TRORX

§

STBNX

v.

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CASO

§

NEWREZ, LLC F/K/A NEW PENN  
FINANCIAL LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING

§

HARRIS COUNTY, TEXAS

§

§

AND

§

§

\_\_\_\_ JUDICIAL DISTRICT COURT

THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK AS  
TRUSTEE FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS OF THE  
CWABS INC. ASSET-BACKED  
CERTIFICATES, SERIES 2006-SD4

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**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING ON  
TEMPORARY INJUNCTION**

On this day, the Court considered Plaintiff, **RENATER EDWARD'S** Application for Temporary Restraining Order. In consideration of the application, verification, and arguments of counsel, the Court finds there is evidence that harm is imminent, and the Application should be GRANTED. If the Court does not issue the temporary restraining order, the Plaintiff, will be irreparably injured if the Defendant, and those working in concert with Defendant seek foreclosure by trustee sale of the property at **5111 Madden Ln, Houston 77048, Harris County Texas.**

**LOT 10, IN BLOCK 35, OF CRESTMONT ADDITION SECTION THREE (3), A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF. RECORDED IN VOLUME 3, PAGE 55, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.**

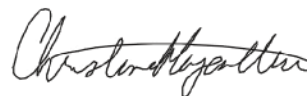
It is hereby ORDERED that Defendants **NEWREZ, LLC F/K/A NEW PENN FINANCIAL LLC D/B/A SHELLPOINT MORTGAGE SERVICING ("SHELLPOINT") AND THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS**

**TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC. ASSET-BACKED CERTIFICATES, SERIES 2006-SD4** or any person, agent, or entity acting in concert with Defendants, including but not limited to its servicers, attorneys, servants, employees, successors, trustees, heirs, and assigns are commanded forthwith to DESIST and RESTRAIN from:

- a. Foreclosing on Plaintiff's Property;
- b. Holding or noticing a Trustee Sale;
- c. Evicting anyone from the residence; and/or
- d. otherwise interfering with Plaintiff's right to the quiet enjoyment and use of the home.

The clerk shall issue notice to Defendant and any counsel or other substitute trustee hired by the Defendant for the purpose of foreclosure that the hearing on Plaintiff's application for a temporary injunction is set for July 13, 2022, at 2:00 ~~AM~~ PM. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits. This restraining order is effective and binding on Defendant and any person or entity acting in concert with it, including but not limited to its attorneys, servicers, agents, servants, employees, successors, heirs and assigns until the hearing on the application for temporary injunction or until further order of the court. Bond is set at \$100.00.

Signed on \_\_\_\_\_, 2022, at \_\_\_\_\_ am/pm  
Signed:  
6/30/2022  
9:44 AM



Presiding Judge

Approved and submitted by,

By: 

DAVID M. MEDEARIS, TBA #24041465  
1560 W Bay Area Blvd., Suite 304  
Friendswood Texas 77546  
dmedearis@medearislaw.com  
Tel. 281-954-6270 | Fax 281-954-6280  
(Direct): 281-224-7481  
ATTORNEY FOR PLAINTIFF  
RENATER EDWARDS



# Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

**Request for Issuance of Service**CASE NUMBER: 2022-39178CURRENT COURT: 190thName(s) of Documents to be served: Signed Temporary Restraining OrderFILE DATE: 06/30/2022 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: NEWREZ, LLC f/k/a New Penn Financial, LLC d/b/a Shellpoint Mortgage ServicingAddress of Service: 211 E. 7th Street, Suite 620City, State & Zip: Austin, Texas 78701Agent (if applicable) Corporation Service Company

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☐ Citation    ☐ Citation by Posting    ☐ Citation by Publication    ☐ Citations Rule 106 Service  
☐ Citation Scire Facias    Newspaper \_\_\_\_\_  
☒ Temporary Restraining Order    ☐ Precept    ☐ Notice  
☐ Protective Order  
☐ Secretary of State Citation (\$12.00)    ☐ Capias (not by E-Issuance)    ☐ Attachment (not by E-Issuance)  
☐ Certiorari    ☐ Highway Commission (\$12.00)  
☐ Commissioner of Insurance (\$12.00)    ☐ Hague Convention (\$16.00)    ☐ Garnishment  
☐ Habeas Corpus (not by E-Issuance)    ☐ Injunction    ☐ Sequestration  
☐ Subpoena  
☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_  
☐ MAIL to attorney at: \_\_\_\_\_  
☐ CONSTABLE  
☐ CERTIFIED MAIL by District Clerk  
☒ E-Issuance by District Clerk  
     (No Service Copy Fees Charged)  
**Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit [www.hcdistrictclerk.com](http://www.hcdistrictclerk.com) for more instructions.**  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: David Medearis Bar # or ID 24041465Mailing Address: 1560 W. Bay Area Blvd., Suite 304Phone Number: 281-954-6270**EXHIBIT 5**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Alexa Rivera on behalf of David Medearis  
Bar No. 24041465  
arivera@medearislaw.com  
Envelope ID: 65923965  
Status as of 6/30/2022 11:16 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
David MMedearis		dmedearis@medearislaw.com	6/30/2022 11:05:36 AM	SENT
Alexa NRivera		arivera@medearislaw.com	6/30/2022 11:05:36 AM	SENT
Mindi Campbell		mcampbell@medearislaw.com	6/30/2022 11:05:36 AM	SENT





# Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

## Request for Issuance of Service

CASE NUMBER: 2022-39178 CURRENT COURT: 190th

Name(s) of Documents to be served: Signed Temporary Restraining Order

FILE DATE: 06/30/2022 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: The Bank of New York Mellon

Address of Service: 1999 Bryan Dr. Suite 900

City, State & Zip: Dallas, Texas 75201

Agent (if applicable) CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> Citation                               | <input type="checkbox"/> Citation by Posting          | <input type="checkbox"/> Citation by Publication        | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                  | Newspaper _____                                       |   |   |
| <input checked="" type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept                      | <input type="checkbox"/> Notice                         |   |
| <input type="checkbox"/> Protective Order                       |   |   |   |
| <input type="checkbox"/> Secretary of State Citation (\$12.00)  | <input type="checkbox"/> Capias (not by E-Issuance)   | <input type="checkbox"/> Attachment (not by E-Issuance) |   |
| <input type="checkbox"/> Certiorari                             | <input type="checkbox"/> Highway Commission (\$12.00) |   |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)    | <input type="checkbox"/> Hague Convention (\$16.00)   | <input type="checkbox"/> Garnishment                    |   |
| <input type="checkbox"/> Habeas Corpus (not by E-Issuance)      | <input type="checkbox"/> Injunction                   | <input type="checkbox"/> Sequestration                  |   |
| <input type="checkbox"/> Subpoena                               |   |   |   |
| <input type="checkbox"/> Other (Please Describe) _____          |   |   |   |

(See additional Forms for Post Judgment Service)

### SERVICE BY (check one):

- |  |   |
|--|---|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____  | <input checked="" type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged)  |
| <input type="checkbox"/> MAIL to attorney at: _____  | <b>Note:</b> The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.<br>Visit <a href="http://www.hcdistrictclerk.com">www.hcdistrictclerk.com</a> for more instructions. |
| <input type="checkbox"/> CONSTABLE   |   |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk  |   |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |   |
| <input type="checkbox"/> OTHER, explain _____  |   |

Issuance of Service Requested By: Attorney/Party Name: David Medearis Bar # or ID 24041465

Mailing Address: 1560 W. Bay Area Blvd., Suite 304

Phone Number: 281-954-6270

EXHIBIT 5



**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Alexa Rivera on behalf of David Medearis  
Bar No. 24041465  
arivera@medearislaw.com  
Envelope ID: 65923965  
Status as of 6/30/2022 11:16 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
David MMedearis		dmedearis@medearislaw.com	6/30/2022 11:05:36 AM	SENT
Alexa NRivera		arivera@medearislaw.com	6/30/2022 11:05:36 AM	SENT
Mindi Campbell		mcampbell@medearislaw.com	6/30/2022 11:05:36 AM	SENT

**CAUSE NO. 202239178****RENATER EDWARDS**

§

**IN THE COURT OF**

§

Plaintiff,

§

**VS.**

§

**HARRIS COUNTY, TEXAS**

§

**NEWREZ LLC (FKA NEW PENN FINANCIAL LLC DBA**

§

**SHELLPOINT MORTGAGE)**

§

Defendant.

§

**190TH JUDICIAL DISTRICT****AFFIDAVIT OF SERVICE**

"The following came to hand on Jun 30, 2022, 2:46 pm,

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING ON TEMPORARY INJUNCTION WITH EXHIBIT A,**

and was executed at **1999 BRYAN ST., SUITE 900, DALLAS, TX 75201** within the county of **DALLAS** at **11:16 AM** on **Fri, Jul 01 2022**, by delivering a true copy to the within named

**BANK OF NEW YORK MELLON, BY DELIVERING TO THE REGISTERED AGENT, CT CORPORATION SYSTEM, WHERE THE DOCUMENT WAS ACCEPTED BY KIRK ATKINS, INTAKE SPECIALIST**

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is **Matthew James Foster**, my date of birth is **01/29/1972**, and my address is **1910 Pacific Avenue, Suite 9300, Dallas, TX 75201**, and **United States of America**. I declare under penalty of perjury that the foregoing is true and correct.

Executed in **DALLAS** County, State of TX, on **July 01, 2022**.



Matthew James Foster

Certification Number: PSC-4907

Certification Expiration: 3/31/2024

**EXHIBIT 6**

CAUSE NO. 202239178

COPY OF PLEADING PROVIDED BY PLT

Receipt No.930149  
EML TR#74022365

PLAINTIFF:EDWARDS, RENATER

Vs.

In the 190th  
Judicial District Court of  
Harris County, Texas

DEFENDANT:NEWREZ LLC (FKA NEW PENN FINANCIAL LLC DBA SHELLPOINT MORTGAGE

**TEMPORARY RESTRAINING ORDER**

THE STATE OF TEXAS  
County of Harris

TO: BANK OF NEW YORK MELLON (THE) (FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE  
BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED CERTIFICATES  
SERIES 2006-SD4) BY SERVING THROUGH ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET SUITE 900  
DALLAS TX 75201

GREETING:

Whereas, TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING ON TEMPORARY  
INJUNCTION filed in the District Court of Harris County, Texas on June 29, 2022 as  
shown by true and correct copy of said Petition attached.

AND WHEREAS, the Honorable Judge of said court, upon presentation of said Petition  
to him, entered his Order and Fiat as shown by a true copy of said Order and Fiat  
attached:

THEREFORE YOU ARE HEREBY COMMANDED TO OBEY EACH AND ALL THE TERMS OF SAID  
ORDER AND FIAT, and that you cease and desist from doing each and all of the acts  
said Order and Fiat restrains you from doing until hearing on such application for  
temporary injunction to be heard before the Judge of said Court, on July 13, 2022  
at 2:00o'clock P.M., in the 190th District Courtroom of the Courthouse of Harris  
County, in Houston, Texas, when and where you will appear and show cause, why said  
injunction should not be issued as prayed for in said Petition and why the other  
relief prayed for therein should not be granted.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court at my office in  
Houston, Harris County, Texas, this day of June 30, 2022.

Issued at request of:  
Medearis, David M  
1560 W BAY AREA BLVD STE 304  
77002  
FRIENDSWOOD, TX 77546  
281-954-6270



*Marilyn Burgess*  
**Marilyn Burgess**, DISTRICT CLERK  
HARRIS COUNTY, T E X A S  
201 Caroline, Houston, Texas

P.O. Box 4651, Houston, Texas 77210

Bar No: 24041465

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**EXHIBIT 6**

## CAUSE NO. 202239178

RENATER EDWARDS

§

IN THE DISTRICT COURT

§

Plaintiff,

§

VS.

§

190TH JUDICIAL DISTRICT

§

NEWREZ, LLC F/K/A NEW PENN FINANCIAL LLC D/B/A  
SHELLPOINT MORTGAGE SERVICING AND THE BANK  
OF NEW YORK MELLON FKA THE BANK OF NEW YORK  
AS TRUSTEE FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS OF THE CWABS INC. ASSET-  
BACKED CERTIFICATES, SERIES 2006-SD4

§

Defendant.

§

HARRIS COUNTY, TEXAS

AFFIDAVIT OF SERVICE

"The following came to hand on Jun 30, 2022, 5:00 pm,

TEMPORARY RESTRAINING ORDER, PLAINTIFF'S ORIGINAL PETITION AND VERIFIED APPLICATION FOR TEMPORARY  
RESTRAINING ORDER, AFFIDAVIT OF RENATER EDWARDS ,

and was executed at 211 E 7th St Ste. 620, Austin, TX 78701 within the county of Travis at 11:31 AM on Fri, Jul 01 2022,  
by delivering a true copy to the within named

NEWREZ, LLC F/K/A NEW PENN FINANCIAL LLC D/B/A SHELLPOINT MORTGAGE SERVICING BY SERVING ITS  
REGISTERED AGENT CORPORATION SERVICE COMPANY ACCEPTED BY AUTHORIZED AGENT KANEISHA GROSS

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is **Corin Johnson**, my date of birth is **2/5/1983**, and my address is **500 E. 4th St. #143, Austin, TX 78701** , and **United States of America**. I declare under penalty of perjury that the foregoing is true and correct.

Executed in **Travis** County, State of **TX**, on **July 05, 2022**.



---

**Corin Johnson**  
Certification Number: PSC-5625  
Certification Expiration: 9/30/2022

**EXHIBIT 6**

**CASE 2022-39178**

<b>RENATER EDWARDS,</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>190th JUDICIAL DISTRICT</b>
	§	
<b>NEWREZ LLC fka New Penn Financial</b>	§	
<b>LLC dba Shellpoint Mortgage Servicing, et al.,</b>	§	
	§	
<b>defendants.</b>	§	<b>HARRIS COUNTY, TEXAS</b>

**DEFENDANTS' ORIGINAL ANSWER**

NewRez LLC fka New Penn Financial LLC dba Shellpoint Mortgage Servicing (**Shellpoint**) and The Bank of New York Mellon fka The Bank of New York, as trustee for the Certificate Holders of CWABS, Inc., Asset Backed Series 2006-SD4 (**BoNYM**) (collectively **defendants**), answer Renater Edwards' petition as follows:

**I. GENERAL DENIAL**

1. Defendants generally deny each and every allegation and claim for relief asserted by Ms. Edwards and demand strict proof thereof by a preponderance of credible evidence.

**II. AFFIRMATIVE DEFENSES**

2. Ms. Edwards' claims fail, in whole or in part, because she fails to state a claim upon which relief may be granted.

3. Ms. Edwards' claims fail, in whole or in part, because she failed to perform all conditions precedent to recovery, including the failure to assume the subject loan, her failure to tender amount necessary to avoid foreclosure and/or her failure to provide sufficient and/or timely notice, demand or request of her claims.

4. Ms. Edwards' claims are barred, in whole or in part, because Ms. Edwards' own acts or omissions caused or contributed to her injury, if any. In the event the trier of fact determines

Ms. Edwards has suffered any compensable damages, defendants invoke Texas Civil Practice & Remedies Code chapter 33 and request the trier of fact determine the proportion of responsibility for said damages by Ms. Edwards, defendants, any other defendants and responsible third-parties, if any, and to grant judgment against defendants, if at all, for only those damages for which defendants are found to be proportionately responsible.

5. Ms. Edwards' claims are barred, in whole or in part, for failure to mitigate damages.

6. Ms. Edwards' claims are barred, in whole or in part, by the economic loss rule.

7. Ms. Edwards' claims are barred, in whole or in part, because any wrongful act or omission alleged to have been committed by defendants was a good faith result of a bona fide error.

8. Any allegedly wrongful acts or omissions of defendants, if and to the extent such acts and omissions occurred, were legally excused or justified.

9. Ms. Edwards' damages, if any, were caused or contributed to by her own prior breach of contract.

10. Ms. Edwards' claims are barred, in whole or in part, because of a failure of consideration.

11. Ms. Edwards' claims are barred, in whole or in part, by the doctrines of waiver, release, estoppel, ratification, acquiescence, privilege, consent and/or assumption of the risk.

12. Defendants are entitled to an offset against any damages awarded to Ms. Edwards in an amount equal to any benefits Ms. Edwards receives.

### **III. PRAYER**

Defendants requests the court enter a judgment Ms. Edwards take nothing and award defendants such further relief to which they may be entitled.

Date: July 12, 2022

Respectfully submitted,

/s/ Michael J. McKleroy, Jr.

Michael J. McKleroy, Jr.  
SBN: 24000095, FBN: 576095  
[michael.mckleroy@akerman.com](mailto:michael.mckleroy@akerman.com)

*--Attorney in Charge*

C. Charles Townsend  
SBN: 24028053, FBN: 1018722  
[charles.townsend@akerman.com](mailto:charles.townsend@akerman.com)

Alfredo Ramos  
SBN: 24110251, FBN: 3687680  
[fred.amos@akerman.com](mailto:fred.amos@akerman.com)

AKERMAN LLP  
2001 Ross Avenue, Suite 3600  
Dallas, Texas 75201  
Telephone: 214.720.4300  
Facsimile: 214.981.9339

**ATTORNEYS FOR DEFENDANT  
SHELLPOINT MORTGAGE SERVICING  
AND BANK OF NEW YORK MELLON**

**CERTIFICATE OF SERVICE**

A true and correct copy of this document was served on July 12, 2022 as follows:

David M. Medearis  
1560 W. Bay Area Blvd., Suite 304  
Friendswood, Texas 77546  
[dmedearis@medearislaw.com](mailto:dmedearis@medearislaw.com)  
*Counsel for Plaintiff*  
**VIA TEXFILE**

/s/ Michael J. McKleroy, Jr.

Michael J. McKleroy, Jr.

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Alfredo Ramos on behalf of Alfredo Ramos  
 Bar No. 24110251  
 fred.ramos@akerman.com  
 Envelope ID: 66232699  
 Status as of 7/12/2022 1:23 PM CST

**Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
David M.Medearis		dmedearis@medearislaw.com	7/12/2022 12:13:24 PM	SENT
Michael McKleroy		michael.mckleroy@akerman.com	7/12/2022 12:13:24 PM	SENT
David MMedearis		dmedearis@medearislaw.com	7/12/2022 12:13:24 PM	SENT
Alexa NRivera		arivera@medearislaw.com	7/12/2022 12:13:24 PM	SENT
Mindi Campbell		mcampbell@medearislaw.com	7/12/2022 12:13:24 PM	SENT
Alfredo Ramos		fred.ramos@akerman.com	7/12/2022 12:13:24 PM	SENT
Judy Spencer		judy.spencer@akerman.com	7/12/2022 12:13:24 PM	SENT



7/12/22, 11:08 AM

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[Z1A]



## 202239178 - EDWARDS, RENATER vs. NEWREZ LLC (FKA NEW PENN FINANCIAL LLC DBA SHELLPOINT MORTGAGE (Court 190))

Print All (non-financial)

[Chronological History](#)

<a href="#">Summary</a>	+
<a href="#">Appeals</a>	+
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<a href="#">102761124</a>	Filing	Affidavit of Service			07/01/2022	2	<a href="#">Add to Basket</a>
<a href="#">102732268</a>	Filing	Affidavit of Plaintiff Renater Edwards			06/30/2022	3	<a href="#">Add to Basket</a>
<a href="#">102734753</a>	Filing	Civil Process Request for Bank Of New York TRO			06/30/2022	2	<a href="#">Add to Basket</a>
<a href="#">102734754</a>	Filing	Civil Process Request for Newrez TRO			06/30/2022	2	<a href="#">Add to Basket</a>
<a href="#">102736750</a>	Order	ORDER SETTING BOND SIGNED ORDER SIGNED GRANTING TEMPORARY RESTRAINING ORDER ORDER SIGNED SETTING HEARING			06/30/2022 06/30/2022 06/30/2022	3	<a href="#">Add to Basket</a>
<a href="#">102737124</a>	Filing	Clerks Certificate of Cash Deposit in Lieu of Injunction Bond per Order of the Court			06/30/2022	1	<a href="#">Add to Basket</a>
<a href="#">102725056</a>	Filing	Plaintiffs Original Petition and Verified Application for Temporary Restraining Order			06/29/2022	10	<a href="#">Add to Basket</a>
> <a href="#">102725057</a>	Filing	Exhibit A			06/29/2022	3	<a href="#">Add to Basket</a>

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7/12/22, 7:36 AM

Print Details

HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
**0942610000010**

Tax Year: 2022



Owner and Property Information								
Owner Name & Mailing Address: <b>JOHNSON FRANKIE M ESTATE OF 5111 MADDEN LN HOUSTON TX 77048-2727</b>				Legal Description: <b>LT 10 BLK 35 CRESTMONT PARK SEC 3</b> Property Address: <b>5111 MADDEN LN HOUSTON TX 77048</b>				
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map <sup>1/2</sup>
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	7,389 SF	2,220 SF	8440.05	1319	132 -- 1C South of Old Spanish Trail btwn SH 288 and I-45	5452D	573M

## Value Status Information

Value Status	Notice Date	Hearing Status	Shared CAD
Noticed	3/31/2022	Protest Received	No

## Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2021 Rate	2022 Rate
<b>None</b>	001	HOUSTON ISD		Not Certified	1.094400	
	040	HARRIS COUNTY		Not Certified	0.376930	
	041	HARRIS CO FLOOD CNTRL		Not Certified	0.033490	
	042	PORT OF HOUSTON AUTHY		Not Certified	0.008720	
	043	HARRIS CO HOSP DIST		Not Certified	0.162210	
	044	HARRIS CO EDUC DEPT		Not Certified	0.004990	
	048	HOU COMMUNITY COLLEGE		Not Certified	0.099092	
	061	CITY OF HOUSTON		Not Certified	0.550830	

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

## Valuations

Value as of January 1, 2021			Value as of January 1, 2022		
	Market	Appraised		Market	Appraised
Land	18,885		Land	55,956	
Improvement	129,762		Improvement	135,263	
Total	148,647	148,647	Total	191,219	191,219

7/12/22, 7:36 AM

Print Details

**Land**

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Improved Table Value	SF1	SF	6,600	1.00	1.00	1.00	--	1.00	8.00	8.00	52,800.00
2	1001 -- Res Improved Table Value	SF3	SF	789	1.00	0.50	1.00	--	0.50	8.00	4.00	3,156.00

**Building**

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1964	Residential Single Family	Residential 1 Family	Average	2,220 *	Displayed
<p>* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above <i>attached</i> garages is included in the square footage living area of the dwelling. Living area above <i>detached</i> garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.</p>						

**Building Details (1)**

Building Data	
Element	Detail
Cond / Desir / Util	Average
Foundation Type	Slab
Grade Adjustment	C+
Heating / AC	Central Heat/AC
Physical Condition	Average
Exterior Wall	Brick / Veneer
Element	Units
Room: Total	7
Room: Rec	1
Room: Full Bath	2
Room: Bedroom	3

Building Areas	
Description	Area
BASE AREA PRI	1,912
OPEN FRAME PORCH PRI	99
MAS/BRK GARAGE PRI	380
ONE STORY FRAME PRI	308
OPEN FRAME PORCH PRI	252

**Extra Features**

Line	Description	Quality	Condition	Units	Year Built
1	Frame Detached Garage	Average	Poor	480.00	1994